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5 UNITED STATES DISTRICT COURT  
6 EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 v.

10 ELDRED BURNETT HEATH,

11 Defendant.

NO: 2:17-CR-0133-TOR-1

ORDER DISMISSING INDICTMENT  
WITH PREJUDICE

12  
13 BEFORE THE COURT is the United States' Motion to Dismiss Indictment  
14 (ECF No. 63). The motion was submitted for consideration without oral argument.  
15 The Court has reviewed the file and the records therein, and is fully informed. The  
16 Government seeks to dismiss the indictment in this matter pursuant to Fed. R.  
17 Crim. P. 48(a) after having been advised of Defendant's death. For good cause  
18 shown, the motion is granted.

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1 Accordingly, IT IS HEREBY ORDERED:

- 2 1. The United States' Motion to Dismiss Indictment (ECF No. 63) is
- 3 **GRANTED.**
- 4 2. The Indictment filed against Mr. Heath is dismissed with prejudice, all
- 5 pending motions are **DENIED as moot**, and all pending hearing and trial dates are
- 6 stricken from the Court's calendar.
- 7 3. The District Court Executive is hereby directed to enter this Order and
- 8 provide copies to counsel, the U.S. Probation Office, and the U.S. Marshal's
- 9 Service.

10 **DATED** October 27, 2017.



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*Thomas O. Rice*  
THOMAS O. RICE  
Chief United States District Judge